

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

CAROL FOUNTAIN,	)	CASE NO. 1:20-cv-2389
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
WAL-MART STORES EAST, LP,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Robert B. Thornburg, counsel for defendant, states:

1. On August 21, 2020, plaintiff filed her Complaint for Damages against defendant Wal-Mart Stores East, LP in the Hendricks County Superior Court of Indiana, under Cause No. 32D04-2008-CT-000148.

2. Wal-Mart Stores East, LP, is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company whose sole member is Walmart, Inc. The principal place of business for all entities mentioned is Bentonville, Arkansas. Walmart, Inc., a Delaware corporation, is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. The principal place of business for Walmart, Inc. is Bentonville, Arkansas. No publicly traded entity owns more than 10% of the company. Thus, for purposes of diversity jurisdiction, Wal-Mart Stores East, LP is a citizen of Delaware and Arkansas.

3. Plaintiff is citizen of the state of Indiana.

4. Plaintiff alleges that while shopping at the Plainfield Walmart, she was struck by a cart being pushed by a Walmart employee and knocked to the ground. Plaintiff suffered a broken hip in the fall. Plaintiff underwent surgery and physical therapy for her injuries, her paid medical expenses exceed \$60,000.00, Plaintiff's counsel advises that he believes the amount in controversy exceeds \$75,000, and he is unwilling to stipulate that the value of the case does not exceed \$75,000.

4. The matter in controversy exceeds \$75,000.00, exclusive of interests and costs; this action does not arise under the Workmen's Compensation laws of any state; is not brought against a common carrier or its receivers or trustees; does not arise under 45 U.S.C. §§ 51-60; and, therefore, this cause is removable to this Court under 28 U.S.C. § 1441(b).

5. This Notice of Removal is being filed with this Court within 30 days after receipt of the Complaint and Summons.

6. Copies of all process, pleadings, and orders served upon petitioner in the state court action are attached hereto. Promptly hereafter, written notice will be given to all adverse parties and to the Clerk of the Hendricks County Superior Court of Indiana, that this Petition for Removal is being filed with this Court.

WHEREFORE, defendant prays that the entire state court action, under Cause No. 32D04-2008-CT-000148, now pending in the Hendricks Superior Court of Indiana, be removed to this Court for all further proceedings.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Robert B. Thornburg

Robert B. Thornburg, #19594-02  
Attorneys for Defendant Wal-Mart Stores  
East, LP

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of September, 2020, a copy of the foregoing was served upon all parties through the Court's ECF System. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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